

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: DAVOL, INC./C.R. BARD, INC.,
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION**

Case No. 2:18-md-2846

**CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

**This document relates to:
SHERRI MALONE**

Civil Action No. 2:18-cv-01103-EAS-KAJ

SECOND AMENDED SHORT FORM COMPLAINT

Plaintiff files this Second Amended Short Form Complaint pursuant to Case Management Order No. 9 and is to be bound by the rights, protections, and privileges and obligations of that Order. Plaintiff hereby incorporates the Master Complaint in MDL No. 2846 by reference. Plaintiff further shows the Court as follows:

1. The name of the person implanted with Defendants' Hernia Mesh Device(s):
Sherri Malone
2. The name of any Consortium Plaintiff (if applicable):
N/A
3. Other Plaintiff(s) and Capacity (i.e., administrator, executor, guardian, conservator):
N/A
4. State of Residence:
Illinois
5. District Court and Division in which action would have been filed absent direct filing:
United States District Court for the Southern District of Illinois, East St. Louis Division

6. Defendants (Check Defendants against whom Complaint is made):

- ☒ A. Davol, Inc.
- ☒ B. C.R. Bard, Inc.
- ☐ C. Other (please list: _____)

7. Identify which of Defendants' Hernia Mesh Device(s) was/were implanted (Check device(s) implanted):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☐ Bard Mesh
- ☐ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☒ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug
- ☐ Sepramesh IP
- ☐ Sperma-Tex
- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch

- ☐ Ventralight ST
- ☐ Ventrío Patch
- ☐ Ventrío ST
- ☐ Visilex
- ☐ Other (please list in space provided below):

8. Defendants' Hernia Mesh Device(s) about which Plaintiff is making a claim (Check applicable device(s)):

- ☐ 3DMax Mesh
- ☐ 3DMax Light Mesh
- ☐ Bard (Marlex) Mesh Dart
- ☐ Bard Mesh
- ☐ Bard *Soft* Mesh
- ☐ Composix
- ☐ Composix E/X
- ☒ Composix Kugel Hernia Patch
- ☐ Composix L/P
- ☐ Kugel Hernia Patch
- ☐ Marlex
- ☐ Modified Kugel Hernia Patch
- ☐ Perfix Light Plug
- ☐ PerFix Plug
- ☐ Sepramesh IP
- ☐ Sperma-Tex

- ☐ Ventralex Hernia Patch
- ☐ Ventralex ST Patch
- ☐ Ventralight ST
- ☐ Ventrio Patch
- ☐ Ventrio ST
- ☐ Visilex
- ☐ Other (please list in space provided below):

9. Date of Implantation and state of implantation: 02/25/2011; Illinois
10. As of the date of filing this Short Form Complaint, has the person implanted with Defendants' Hernia Mesh Device(s) had subsequent surgical intervention due to the Hernia Mesh Device(s)?: Yes X No
11. Basis of Jurisdiction:
- ☒ Diversity of Citizenship
 - ☐ Other: _____
12. Counts in the Master Complaint adopted by Plaintiff(s):
- ☒ Count I – Strict Product Liability- Defective Design
 - ☒ Count II – Strict Product Liability- Failure to Warn
 - ☒ Count III – Strict Product Liability- Manufacturing Defect
 - ☒ Count IV– Negligence
 - ☒ Count V– Negligence Per Se
 - ☒ Count VI– Gross Negligence
 - ☒ Count VII – State Consumer Protection Laws (Please identify applicable State Consumer Protection law(s)):

R.I. GEN. LAWS §§ 6-13.1, et seq.; N.J. STAT. ANN §§ 56:8-1, et seq.;
815 ILCS 505/1, et seq.

- ☒ Count VIII – Breach of Implied Warranty
- ☒ Count IX – Breach of Express Warranty
- ☒ Count X – Negligent Infliction of Emotional Distress
- ☒ Count XI – Intentional Infliction of Emotional Distress
- ☒ Count XII – Negligent Misrepresentation
- ☒ Count XIII – Fraud and Fraudulent Misrepresentation
- ☒ Count XIV – Fraudulent Concealment
- ☐ Count XV – Wrongful Death
- ☐ Count XVI – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other Count(s) (please identify and state factual and legal bases for other claims not included in the Master Complaint below):

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- ☒ Jury Trial is Demanded as to All Counts
 - ☐ Jury Trial is NOT Demanded as to All Counts; if Jury Trial is Demanded as to Any Count(s), identify which ones (list below):
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Respectfully submitted,

/s/ Kelsey L. Stokes
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